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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,941	09/05/2003	Ryuichi Sato	040894-5949	5489

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EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/654,941	Applicant(s) SATO, RYUICHI	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) 10-11 and 16-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 8 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 depends from claim 6. Claim 6 recites "a controller". Then, claim 8 recites "further comprising: a controller". As such, it is confusing how many controllers are claimed. Is the controller in claim 8 the same or different from the controller in claim 6?

Claim 15 depends from claim 12. Claim 12 recites, "said second moving-aside unit is set in a manner that varies according to whether or not folding is performed on sheets stacked on said compiling tray". Then, claim 15 recites essentially the same limitation. In other words, claim 15 has a double inclusion of this limitation. It is unclear how many of these limitations are claimed in claim 15.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,145,825 (Kunihiro et al.).

Regarding claim 1, Figs. 1-16C show a sheet processing apparatus (e.g., Figs. 7 and 10) comprising:

a compiling tray (21) for forming a sheet bundle by sequentially collecting sheets supplied thereto;

a sheet alignment portion (including 9) for aligning sheets supplied to the compiling tray (21); and

a pressing member (including 100), provided in such a way as to be able to advance and retract in a direction of thickness of the sheets collected in the compiling tray (21), for holding sheets already collected in the compiling tray and aligned in the sheet alignment portion (including 9) when a new sheet is supplied to the compiling tray (21); and

a controller (e.g., column 6, line 13) that controls the pressing member (including 100) according to a thickness of sheets collected on the compiling tray (21)(see Figs. 13 and 15 for operation of the pressing member (including 100) according to the number of

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sheets on the tray 21 (i.e., total number of sheets = total thickness of sheets on tray 21)),

wherein the pressing member (including 100) is provided in such a way as to advance and retract between an advancing position (dotted line position in Fig. 10), at which the pressing member (including 100) presses sheets on the compiling tray (21), and a retreating position (solid line position in Fig. 10) at which the pressing member (including 100) does not hinder the sheets on the compiling tray (21) from being discharged therefrom.

Regarding claim 3, Figs. 1-16C show a guide member (100b), provided in such a way as to be able to be interlocked with the pressing member (including 100), for guiding a sheet newly supplied to the compiling tray (21).

Regarding claim 4, Figs. 1-16C show that the advancing and retracting operations (Fig. 10) of the pressing member (including 100) vary according to whether or not folding is performed on sheets newly supplied to the compiling tray, and according to what supply portion supplies sheets newly to the compiling tray, or **according to a thickness of sheets newly supplied to the compiling tray (21)**. In particular, the amount of movement upward and downward of pressing member (including 100) during advancing and retracting will vary according to the overall thickness of the stack of sheets. Column 8, lines 11-40 explain how the pressing member (including 100) is forced downward via spring (120) into contact with the stack and explain how element (119) acts against the spring (120) to return pressing member (including 100) back to a home position. A thicker newly supplied sheet will affect the

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overall thickness of the stack. Thus, it is the examiner's position that the amount of downward travel of the pressing member (including 100) and then the corresponding amount of return travel back to the home position during the advancing and retracting will be affected by sheet thickness. This meets the limitations of claim 4.

Regarding claim 5, Figs. 1-16C show that the pressing member (including 100) presses sheets already collected on the compiling tray (21) before a leading end of a sheet newly supplied to the compiling tray (21) touches the sheets already collected thereon, and wherein the pressing member (including 100) goes away from the collected sheets before a rear end of the newly supplied sheet is discharged onto the compiling tray (21). See, e.g., column 8, lines 30-40.

Regarding claim 6, Figs. 1-16C show a sheet processing apparatus (e.g., Figs. 7 and 10) comprising:

- a compiling tray (21) for receiving and stacking conveyed sheets;

- a longitudinal reference wall (19) for performing alignment of sheets stacked on the compiling tray (21) by aligning rear ends of the sheets (see, Fig. 10, which shows that front ends of the sheets enter in the direction of the line with arrows, and then the rear ends of the sheets move into contact with the wall 19); and

- a controller (see, e.g., column 6, line 12 and column 16, lines 29-45) that controls a reference position (Fig. 10) in a longitudinal alignment in a direction of thickness of sheets stacked on the compiling tray (21), for providing a predetermined conveyance force to sheets sequentially supplied to the compiling tray (21), and for pushing the sheets against the longitudinal reference wall (19).

Regarding claim 7, Fig. 10 shows a longitudinal alignment portion (including 6a, 6b and 100 in Fig. 10) conveys the sheet to the longitudinal reference wall (19) by using a member (including 6a and 6b) that turns by simultaneously touching a surface of the sheet.

Regarding claim 8, as best understood, Figs. 10, 13 and 15 show that a controller controls the reference position in the longitudinal alignment changes according to the number of sheets stacked on the compiling tray (21).

Regarding claim 9, Figs. 10 shows that the longitudinal alignment portion (including 6a, 6b and 100) conveys sheets to the longitudinal reference wall (19) when placed at a sheet alignment position (upper position), and wherein the longitudinal alignment portion (e.g., element 100) once moves from the sheet alignment position (upper position) to a sheet pressing position (lower position) in synchronization with predetermined sheet conveying timing, and then returns to the sheet alignment position (upper position).

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 12-14 are allowed. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/30/2006


KATHY MATECKI
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